

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEHINDE BALOGUN,

Plaintiff,

Case No. 18-CV-301

v.

THE BOARD OF REGENTS OF THE
UNIVERSITY OF WISCONSIN SYSTEM,
KEVIN CHEREK and BOBBY BURROW,

Defendants.

DECLARATION OF TECHNICAL FAILURE

JEFFERY A. SIMCOX declares under penalty of perjury as follows:

1. I am an Assistant Attorney General with the Wisconsin Department of Justice (DOJ), and I am one of the attorneys representing the Defendants in the above-captioned lawsuit.
2. My clients' response to Plaintiff's Rule 26(a)(3) disclosures and pretrial submissions was due on July 19, 2019. (Dkt. 14.)
3. At approximately 7:40 a.m. on July 19, 2019, an explosion and fire occurred at a substation of Madison Gas & Electric located near the DOJ's offices.

4. The explosion and fire caused many nearby buildings, including the DOJ's offices, to lose power for the better part of the day on July 19, 2019.

5. As a result of these events, Governor Tony Evers issued an executive order requiring that those state employees in the affected buildings leave the buildings and avoid the area, and that those buildings be closed for the remainder of the day. As a result, the submissions that would otherwise have been filed on July 19 were not able to be filed.

6. For these reasons, I request that this Court grant a one business day extension, *nunc pro tunc*, and accept the filings by the Defendants that follow this declaration for filing today, July 22, 2019.

7. I have no objection to providing Plaintiffs with a similar extension, should they require one.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated this 22nd day of July, 2019.

s/Jeffery A. Simcox
JEFFERY A. SIMCOX